

Vijayan vs Sambasivan.P.N

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SooperKanoon Citation : sooperkanoon.com/1915507

Court : Kerala

Decided On : Oct-31-2019

Judge : Honourable Mr. Justice B.Sudheendra Kumar

Appeal No. : OP(C)/1309/2019

Appellant : Vijayan

Respondent : Sambasivan.P.N

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE B.SUDHEENDRA KUMAR THURSDAY, THE 31ST DAY OF OCTOBER 2019 / 9TH KARTHIKA, 1941 OP(C).No.1309 OF 2019 EP 494/17 IN OS 93/2014 OF I ADDITIONAL SUB COURT, KOZHIKODE PETITIONER/S:

VIJAYAN,AGED 51 YEARS S/O RAGHAVAN NAIR, RESIDING AT VALIYAKKARA MEETHAL, OLAVANNA POST, KOZHIKODE DISTRICT- 673 017. BY ADV. SRI.V.V.SURESH RESPONDENT/S: 1 SAMBASIVAN.P.N AGED 63 YEARS S/O NARAYANAN, MEPATTIL, HOUSE, CHOVAYOOR POST, KOZHIKODE DISTRICT- 673 017. 2 JAYARAJAN K, AGED 52 YEARS S/O PADMANABHAN NAIR, KEEDOTH HOUSE, CHEVARAMBALAM, CHOVAYOOR POST,

KOZHIKODE DISTRICT- 673 017. R1 BY ADV. SRI.SRINATH GIRISH
R2 BY ADV. SMT.M.SANTHY THIS OP (CIVIL) HAVING BEEN
FINALLY HEARD ON 31.10.2019, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: -2-

JUDGMENT

In view of the limited nature of the prayer, the First Additional Sub Court, Kozhikode is directed to dispose of the claim petition filed by the petitioner in E.P. No.494 of 2017 in O.S. No.93 of 2014, in accordance with law, as expeditiously as possible and at any rate within three months from the date of receipt/production of a copy of this

judgment.

The further proceedings in the Execution Petition shall be kept in abeyance till then. This Original Petition stands disposed of as above. sd B. SUDHEENDRA KUMAR, JUDGE. dl/ -3- APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1 TRUE COPY OF THE CERTIFICATE OF ENCUMBRANCE SHOWING THE ATTACHMENT DETAILS OVER THE PLAINT SCHEDULED PROPERTY DATED 10.4.2019 EXHIBIT P2 TRUE COPY OF THE E.P. NO 494/2017 DATED 17.8.2017 FILED BY THE 1ST RESPONDENT HEREIN BEFORE THE SUB COURT KOZHIKODE. EXHIBIT P3 TRUE COPY OF THE CLAIM PETITION FILED BY THE PETITIONER BEFORE THE SUB COURT IN E.P. NO 494/17 DATED 11.4.2019 EXHIBIT P4 A TRUE COPY OF THE STAY PETITION FILED BY THE PETITIONER DATED 11.4.2019 BEFORE THE SUB COURT KOZHIKODE EXHIBIT P5 TRUE COPY OF THE DISMISSAL ORDER OF THE STAY PETITION BY THE HON'BLE SUB COURT KOZHIKODE IN E.A NO 452/2019 DATED 12.4.2019 RESPONDENTS'S/S EXHIBITS: NIL